

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

TRANSCANADA USA SERVICES, INC.,

Plaintiff,

v.

**Civil Action No. 2:19-cv-00896
Judge Berger**

**ZURICH AMERICAN INSURANCE COMPANY,
A foreign corporation; and
WESTCHESTER FIRE INSURANCE COMPANY,
A foreign corporation,**

Defendants.

**MOTION TO DISMISS OR IN THE ALTERNATIVE STAY ACTION
UNDER 11 U.S.C §362(a)**

Now comes Zurich American Insurance Company (“ZAIC”), by counsel, and pursuant to §11 U.S.C. 362(a)(1) and (3), moves this Court to dismiss this action or, in the alternative, stay the action on the basis it was filed in violation of the Automatic Bankruptcy Stay in place as a result of Welded Construction, L.P.’s petition for protection under Chapter 11 of the bankruptcy code currently pending in the United States Bankruptcy Court for the District of Delaware styled *In re: Welded Construction, L.P., et al.*, Case No. 18-12378 (KG).¹ ZAIC’s grounds in support of this Motion are set forth in the accompanying Memorandum of Law.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, ZAIC requests that this Court grant its motion and dismiss or stay Plaintiff’s claims against it as being filed in violation of the automatic stay triggered by Welded Construction, L.P.’s bankruptcy.

¹ There are multiple Chapter 11 proceedings being jointly administered under Welded Construction, L.P. Chapter 11 proceeding.

Respectfully submitted this 7th day of February, 2020.

ZURICH AMERICAN INSURANCE COMPANY
By Counsel,

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CERTIFICATE OF SERVICE

I certify that on February 7, 2020 I served the foregoing *Motion to Dismiss or in the Alternative Stay Action Under 11 U.S.C §362(a)* by filing the same to the Court's CM/ECF System, which will send notification of such filing to counsel of record.

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